

DEPT. OF TRANSPORTATION  
BUSINESS

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

In the Matter of:

FORM 41 AIRFRAME AND  
AIRCRAFT ENGINE FINANCIAL  
DATA REPORTING

Docket OST-96-1640

**MOTION OF SOUTHWEST AIRLINES CO.  
TO WITHHOLD FROM PUBLIC DISCLOSURE**

Communications with respect to this document should be sent to:

Robert W. Kneisley  
Associate General Counsel  
Leslie C. Abbott  
Attorney  
SOUTHWEST AIRLINES CO.  
1901 L Street, N.W.  
Suite 640  
Washington, D.C. 20036  
(202) 263-6285  
leslie.abbott@wnco.com

April 30, 2009

**In the Matter of:**

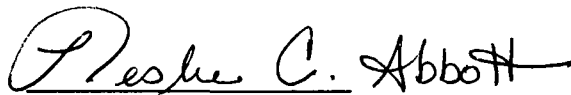
Docket OST-96-1640

Three elements must be satisfied in order to protect information from public disclosure under 5 U.S.C. § 552(b)(4). The information must be: (1) financial or commercial in nature, (2) obtained from a person outside the government, and (3) confidential or privileged. Gulf and Western Industries, supra, 615 F.2d at 529. Information will be deemed "confidential" if, inter alia, public disclosure is likely to cause substantial harm to the competitive position of the submitting party. See National Parks & Conservation Ass'n v. Morton, 498 F.2d 765 (D.C. Cir. 1974); Critical Mass, supra, 975 F.2d at 879.

The information which Southwest seeks to protect from public disclosure satisfies these three elements. The acquisition cost and financial data that Southwest is reporting to DOT results from negotiations between Southwest and commercial vendors of aircraft, aircraft engines and related components. These prices and terms are clearly "financial or commercial in nature." Further, because these prices and terms are established entirely through negotiations between Southwest and its commercial suppliers, the information is obtained "from a person outside the government." None of this information is provided by any governmental agency or official. Finally, this financial information would not normally be made public by Southwest or its negotiating partners since public disclosure would cause substantial competitive harm to Southwest. Confidential treatment of this commercially sensitive information is particularly appropriate in light of Southwest's purchase agreements with its vendors. Such agreements customarily contain language requiring that Southwest maintain the confidentiality of certain material terms, including acquisition costs. Therefore, the release of such information would significantly hinder Southwest's ability to negotiate favorable costs and terms from commercial vendors of airframes, aircraft and aircraft engines.

WHEREFORE, Southwest hereby requests that confidential treatment be given to all information it files with the Department under Form 41, Schedule B-7, including this Schedule B-7 filing pertaining to the first quarter of 2009.

Respectfully submitted,

A handwritten signature in cursive script that reads "Leslie C. Abbott". The signature is written in dark ink and is positioned above the printed name and address.

Leslie C. Abbott  
Attorney  
SOUTHWEST AIRLINES CO.  
1901 L Street, N.W.  
Suite 640  
Washington, D.C. 20036  
202-263-6285

April 30, 2009